TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD
LSA Document #06-603

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING VOLATILE ORGANIC COMPOUNDS FOR AUTOMOBILE REFINISHING OPERATIONS IN INDIANA

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 8-10 concerning automobile refinishing operations in Indiana. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: December 27, 2006, Indiana Register (DIN: 20061227-IR-326060603FNA).

Continuation of First Notice of Comment Period: June 27, 2007, Indiana Register (DIN: 20070627-IR-326060603FCA).

CITATIONS AFFECTED: 326 IAC 8-10.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Under the Clean Air Act, the United States Environmental Protection Agency (U.S. EPA) is responsible for: (1) establishing ambient air quality standards to protect the public health and welfare; (2) determining which areas of the country have air quality that does not meet those standards; and (3) overseeing states' efforts to develop and implement plans to improve air quality in those areas. The Clean Air Act establishes basic requirements and procedures for the clean air planning process, but U.S. EPA issues more specific guidance to help states, citizens, businesses, and local governments comply with the Clean Air Act's requirements. U.S. EPA also promulgates rules to meet the Clean Air Act requirements.

In the April 30, 2004, Federal Register (69 FR 23858), the U.S. EPA designated 23 Indiana counties as nonattainment for the 8-hour ozone standard. Since that time, all monitoring locations in Indiana have met the 8-hr ozone standard and 21 of those counties have been redesignated to attainment. IDEM continues to work with U.S. EPA to have Lake County and Porter County redesignated to attainment. Additionally, since the Cincinnati, Ohio, metropolitan area has not yet attained the 8-hour standard, IDEM has prepared a State Implementation Plan (SIP) revision for Lawrenceburg Township in Dearborn County, which addresses its contribution to Cincinnati's ozone nonattainment.

While all monitored portions of Indiana have attained the current 8-hour ozone standard, it is prudent for Indiana to consider implementing additional cost-effective measures to reduce emissions that contribute to the formation of ozone. The reasons for considering additional reductions include: the narrow margin between Indiana's current air quality and the new lower 8-hr ozone standard of 0.075 parts per million (ppm) that the U.S. EPA issued on March 12, 2008, and the concerns expressed by other states that emissions from Indiana are contributing to their inability to attain the standard (the Clean Air Act provides a legal mechanism for those states to require Indiana to reduce Indiana's potential contribution to nonattainment in other states).

Because volatile organic compounds (VOCs) contribute to the formation of ozone, it is important to control VOCs in order to comply with the 8-hour ozone standard. In an effort to assist states in the Midwest Regional Planning Organization (MRPO), the Lake Michigan Air Directors Consortium (LADCO) has been working with states to identify and recommend regional controls that would help states achieve attainment for the 8-hour ozone standard. The MRPO includes Illinois, Indiana, Michigan, Ohio, and Wisconsin.

Indiana has been working with the other MRPO states on a suite of measures provided by LADCO to be considered by each of these states to reduce our mutual contribution to ozone formation in the upper Midwest and eastern United States. These measures include regulation of volatile organic compounds (VOCs) from: automotive refinishing (the subject of this notice); architectural and industrial maintenance coatings; consumer and commercial products; organic solvent degreasers; and stage 1 vapor recovery from gasoline dispensing facilities. In general, these proposed regulations would expand regulations that already exist in parts of Indiana and other states to cover all similar emissions from each of the participating states. The potential benefits of this coordinated action include improved Indiana and regional air quality that may prevent future nonattainment designations, an improved margin of safety between current Indiana air quality and the current standard, and the reduced likelihood of the need to impose more costly emission reduction measures in the future.

Automobile refinishing includes the application of coatings subsequent to original equipment manufacture. Vehicles included in this category are passenger cars, trucks, vans, motorcycles, and other mobile equipment capable of being driven or drawn on the highway. The steps involved in automobile refinishing include surface preparation, surface painting, and equipment cleaning. Emissions occur at all of these stages due to evaporation of the solvents in the primers, paints and other coatings, and in the cleaning solutions. The automobile refinishing rule at 326 IAC 8-10 affects automobile refinishing operations performed in the following types of shops: auto body and repair shops; new car dealer repair and paint shops; fleet operator repair and paint shops; and any other facility that coats vehicles under Standard Industrial Classification (SIC) Code 7532, as well as manufacturers and distributors of automobile refinishing coatings. Besides VOC content limits, 326 IAC 8-10 also includes work practice standards and training requirements.

Indiana's existing automobile refinishing rule at 326 IAC 8-10 was promulgated in 1995 to meet the 1990 Clean Air Act "15% plan" requirements by November 15, 1996. The rule was based on Option 1 in the April 1994 automobile refinishing Alternative Control Technology (ACT) document issued by the U.S. EPA. Indiana's current automobile refinishing rule applies to four counties: Clark, Floyd, Lake, and Porter. These counties had been 1-hour ozone nonattainment areas and the rule was promulgated to assist bringing these counties into attainment.

The federal automobile refinishing rule, 40 CFR 59, Subpart B-National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings, became effective on September 11, 1998 (63 FR 48806). Under the federal rule, automobile refinishing coatings and coating components sold or distributed in the United States after January 11, 1999, are subject to the federal requirements. The federal rule provides VOC content limits for automobile refinish coatings, container labeling requirements, methods to determine compliance with emission limits, and reporting requirements for the manufacturers and importers of automobile refinish coatings or coating components.

Automobile refinishing operations across Indiana must already comply with the federal rule. For operations not currently covered by the state rule, extending the existing state rule to the entire state would require work practice standards for operations not currently covered by the state rule. LADCO estimates that extending the existing Indiana automobile refinishing rule to the entire state will reduce VOCs by approximately 25% from 2002 actual emissions or 2,528 tons per year. A review of data specific to Indiana indicates a reduction of approximately 9% beyond the reductions from the federal rule is more realistic. However, an informal survey of automobile refinishing operations in Central Indiana conducted by IDEM in 2005 showed that the high-volume low-pressure (HVLP) equipment is already in use by most operations because of the increased efficiency, safety, and overall cost savings of using the newer technology. The operations contacted have also already implemented improved work practices.

In order to remove obsolete language IDEM is also proposing to repeal 326 IAC 8-10-8 and any additional language in 326 IAC 8-10 regarding control system operation, maintenance, and monitoring. IDEM's rule 326 IAC 8-10 was promulgated in 1995, approximately three years before the federal automobile refinishing rule became effective. Owners or operators of a refinishing facility subject to 326 IAC 8-10 have the option of limiting emissions of VOCs from refinishing operations by one of the following means: (1) by using coatings or surface preparation products that meet the VOC content limits in 326 IAC 8-10-4; (2) by employing a control system; or (3) by using a combination of coatings and control system measures. When the federal automobile refinishing rule became effective on September 11, 1998, all coatings or surface preparation products nationwide were required to meet VOC content limits that were identical to IDEM's VOC content limits in 326 IAC 8-10-4. Since all coatings or surface preparation products must comply with the federal rule, current rule language providing an option of a control system to limit VOC emissions from coatings or surface preparation products is now obsolete.

In combination with similar efforts in the other MRPO states, extending the automobile refinishing rules to all Indiana counties will contribute to a regional control of VOC that will assist many counties to reach and maintain attainment for the 8-hour ozone standard. Upon completion, this rule will be submitted to U.S. EPA for approval into the SIP and, along with other regional and state measures, will guide air pollution control efforts in Indiana.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

The following element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is "not imposed under federal law" (NIFL element or elements).

The following information is provided with each NIFL element:

(1) The environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and examples in which federal law is inadequate to provide this protection for Indiana.

(2) The estimated fiscal impact and expected benefits of the NIFL element, based on the extent to which the NIFL element exceeds the requirements of federal law.

(3) The availability for public inspection of all materials relied on by IDEM in the development of the NIFL element including, if applicable: health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data.

NIFL Element A: Requiring work practice standards in parts of the state not already covered by the rule. The

applicability provisions in 326 IAC 8-10-1 will require all automobile refinishing operations in Indiana to comply with the entire rule, including the work practice standards in 326 IAC 8-10-5, the compliance procedures in 326 IAC 8-10-6, the test procedures in 326 IAC 8-10-7, and the record keeping and reporting requirements of 326 IAC 8-10-9.

(1) The application of certain VOC control measures to all counties in Indiana will provide a general benefit to nonattainment areas. This rule is part of a larger group of VOC control rules that have been agreed to by the LADCO states to address regional ozone and particulate matter nonattainment.

(2) The fiscal impact of compliance with the work practice standards is expected to be minimal because most affected operations already follow the standards for increased efficiency, safety, and cost savings.

(3) LADCO evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. LADCO calculates that extending the current automobile refinishing rules statewide will reduce VOC emissions in the five state MRPO region from 25,319 tons per year to 19,126 tons per year. The estimated control cost for these measures is $1,354 per ton. The information used for the evaluation is presented in a white paper on Auto Refinishing at:

http://www.ladco.org/Regional_Air_Quality.html

Potential Fiscal Impact

Though the OTC estimated a cost of $1,354 per ton of VOC reduced based on the use of HVLP spray guns and a gun cleaning system, Indiana's rule would not require this equipment, but would allow its use as an alternative to meeting the specific VOC limits. In addition, the VOC limits in Indiana's existing rule are comparable to the existing federal rule, 40 CFR 59, that all Indiana automobile refinishers and manufacturers of the applicable coatings must comply with now. An informal survey of automobile refinishing operations in Central Indiana in 2005 showed that the HVLP equipment is already in use by most operations because of the increased efficiency, safety, and overall cost savings of using the newer technology. IDEM believes this is true throughout the state and that most of these operations have probably also already begun using improved work practices comparable to those specified in the existing state rule to increase safety and maintain the equipment. Therefore, because automobile refinishers already must comply with the federal VOC limits and because most already use the work practices in the existing Indiana rule, IDEM anticipates that the fiscal impact of this alternative is minimal to the regulated community.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

www.in.gov/idem/compliance/ctap/index.html

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Alison Surface
IDEM Compliance and Technical Assistance Program
OPPTA - MC60-04
100 North Senate Avenue
W-041
Indianapolis, IN 46204-2251
(317) 232-8172
ctap@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Megan Tretter
IDEM Small Business Assistance Program Ombudsman
MC50-01 - IGCN 1307
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-3386
mtretter@idem.in.gov

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Amy Smith, Rules Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from December 27, 2006, through January 26, 2007, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

IDEM requested public comment from June 27, 2007, through July 27, 2007, on additional alternatives to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the continuation of first notice of public comment period.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule and comments on the potential fiscal impact of the draft rule language. Mailed comments should be addressed to:

#06-603(APCB) Automobile Refinishing
Amy Smith Mail Code 61-50
c/o Administrative Assistant
Rules Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by August 15, 2008.

Additional information regarding this action may be obtained from Amy Smith, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 8-10-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) ~~All sections of~~ This rule ~~apply~~ **applies** to any person who **as follows:**

(1) Sells, offers for sale, or manufactures for sale ~~in Clark, Floyd, Lake, or Porter County~~ refinishing coatings or **surface preparation products in the following:**

(A) Clark, Floyd, Lake, or Porter County.

(B) All other counties on or after June 1, 2009.

(2) Owns, leases, operates, or controls a facility, as defined in 326 IAC 1-2-27, that refinishes motor vehicles, **motor vehicle parts, motor vehicle components,** or mobile equipment, as defined in section ~~2(31)~~ **2(25)** and ~~2(30)~~ **2(26)** of this rule, in **the following:**

(A) Clark, Floyd, Lake, or Porter County.

(B) All other counties on or after June 1, 2009.

(b) The following activities are exempt from this rule:

(1) Application of aerosol coating products.

(2) Graphic design application.

(3) Touch-up coating application.

(c) This rule does not apply to individuals who:

(1) own;

(2) lease;

(3) operate; or

(4) control;

a facility, as defined in 326 IAC 1-2-27, that refinishes three (3) or fewer motor vehicles per calendar year.

(d) The exemption provided by 326 IAC 8-2-9(b)(4) shall not ~~apply to~~ **exempt** any facility ~~subject to~~ **from the requirements of** this rule.

~~(e) Sections 2 and 3(e) of this rule apply to any person who owns, leases, operates, or controls a facility, as defined in 326 IAC 1-2-27, that refinishes motor vehicles or mobile equipment, as defined in section 2(31) and 2(30) of this rule, in Vanderburgh County.~~

(Air Pollution Control Board; 326 IAC 8-10-1; filed Oct 3, 1995, 3:00 p.m.: 19 IR 194; filed Jul 14, 1998, 5:04 p.m.: 21 IR 4518; filed Apr 23, 1999, 2:12 p.m.: 22 IR 2856)

SECTION 2. 326 IAC 8-10-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 2. The following definitions ~~shall~~ apply throughout this rule:

(1) "Adhesion promoter" means a coating:
- **(A)** used to promote adhesion of a topcoat on surfaces such as:
  - **(i)** trim moldings;
  - **(ii)** door locks; and
  - **(iii)** door sills; or ~~any coating which~~
- **(B) that** provides adhesion to plastic substrates, where sanding is impracticable. ~~This definition~~

The term excludes primers, primer sealers, primer surfacers, and topcoats.

(2) "Aerosol coating products" means a mixture of:
- **(A)** resins;
- **(B)** pigments;
- **(C)** liquid solvents; and
- **(D)** gaseous propellants;

packaged in a disposable can for hand-held application.

(3) "Anti-glare/safety coating" means a low gloss coating formulated to eliminate or reduce glare for safety purposes on interior surfaces of a vehicle, as specified under the United States Department of Transportation Motor Vehicle Safety Standards.

(4) "Application station" means the part of an automobile refinishing facility where coatings are applied.

(5) "Automobile refinishing" means refinishing operations for after-market motor vehicles, **motor vehicle parts, motor vehicle components,** or mobile equipment performed in:
- **(A)** auto body and repair shops;
- **(B)** production paint shops;
- **(C)** new car dealer repair and paint shops;
- **(D)** fleet operation repair and paint shops; and
- **(E)** any other facility ~~which~~ **that** coats vehicles under the Standard Industrial Classification (SIC) code 7532 (top, body, and upholstery repair shops and paint shops). ~~including~~

The term includes dealer repair of vehicles damaged in transit.

(6) "Basecoat" means a pigmented topcoat ~~which~~ **that** is the first topcoat applied as part of a multistage topcoat system.

(7) "Basecoat/clearcoat system" means a topcoat system composed of a pigmented basecoat portion and a transparent clearcoat portion. The ~~volatile organic compound~~ VOC content of a basecoat/clearcoat system shall be calculated according to the following formula:

$$VOC_{Tbc/cc} = \frac{VOC_{bc} + 2VOC_{cc}}{3}$$

Where:
- $VOC_{Tbc/cc}$ = VOC content as applied of the basecoat (bc) and clearcoat (cc) systems.
- VOC_{bc} = VOC content as applied of any given basecoat.

VOC_{cc} = VOC content as applied of any given clearcoat.

~~(8) "Capture device" means a hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct so that the pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.~~

~~(9) "Capture efficiency" means the fraction of all VOC applied that is directed to a control device.~~

~~(10)~~ **(8)** "Catalyst" means a substance whose presence enhances the reaction between chemical compounds.

~~(11)~~ **(9)** "Clearcoat" means a topcoat ~~which~~ **that:**

(A) contains no pigments or only transparent pigments; and ~~which~~

(B) is the final topcoat applied as a part of a multistage topcoat system.

~~(12)~~ **(10)** "Coating" means a protective, decorative, or functional material with VOC content greater than zero (0) used in automobile refinishing operations.

~~(13)~~ **(11)** "Color match" means the ability of a repair coating to blend in an existing coating so that color difference is not visible.

~~(14)~~ **(12)** "Container" means a vessel or tank used to store:

(A) coatings;

(B) surface preparation products;

(C) solvents; or

(D) waste.

~~(15) "Control device" means any equipment that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery. Control devices include, but are not limited to, incinerators or carbon adsorbers.~~

~~(16) "Control device efficiency" means the ratio of the pollution destroyed or secured by a control device and the pollution introduced to the control device, expressed as a fraction.~~

~~(17) "Control system" means the combination of capture and control devices used to reduce emissions to the atmosphere.~~

~~(18)~~ **(13)** "Disposed off site" means sending, outside of the refinishing facility, the used:

(A) coatings;

(B) surface preparation products;

(C) solvents; or

(D) wastes.

~~(19)~~ **(14)** "Elastomeric materials" means topcoats and primers that are specifically formulated for application over flexible parts such as **the following:**

(A) Filler panels. ~~and~~

(B) Elastomeric bumpers.

~~(20)~~ **(15)** "Electrostatic application" means the application to a substrate of charged atomized paint droplets ~~which~~ **that** are deposited by electrostatic attraction.

~~(21)~~ **(16)** "Equipment" means devices that are used to transfer or apply coating, surface preparation product, or solvent, such as, but not limited to, **the following:**

(A) Spray guns. ~~and~~

(B) Brushes. ~~or~~

(C) Nonrefillable aerosol cans.

~~(22)~~ **(17)** "Exempt compounds" means a nonphotochemically reactive hydrocarbon as defined in 326 IAC 1-2-48.

~~(23)~~ **(18)** "Gloss flatteners" means coatings that are formulated to provide low gloss to match original equipment manufacturer's (OEM) specifications.

~~(24)~~ **(19)** "Graphic design application" means the application of:

(A) logos;

(B) letters;

(C) numbers; and

(D) graphics;

to a painted surface, with or without the use of a template.

~~(25)~~ **(20)** "Ground support" means vehicles used in support of aircraft activities at airports.

~~(26)~~ **(21)** "Hardener" means an additive designed to promote a faster cure of coatings ~~which~~ **that** cure by cross-linking of the resin components.

~~(27)~~ **(22)** "High-volume, low-pressure (HVLP) spray" means technology used to apply coating to a substrate by means of coating application equipment ~~which~~ **that** operates between one-tenth (0.1) and ten (10) pounds per square inch gauge (psig) air pressure measured dynamically at the center of the air cap and at the air horns of the spray system.

~~(28)~~ **(23)** "Material safety data sheet" or "MSDS" means the chemical, physical, technical, and safety information document supplied by the manufacturer of the coating, solvent, or other chemical product, usually

through the distribution network or retailers.

~~(29)~~ **(24)** "Midcoat" means a semitransparent topcoat ~~which~~ **that** is the middle topcoat applied as part of a three (3) stage topcoat system.

~~(30)~~ **(25)** "Mobile equipment" means any equipment ~~which~~ **that** may be driven or drawn on a roadway, including, but not limited to, the following:

(A) Truck bodies.
(B) Truck trailers.
(C) Cargo vaults.
(D) Utility bodies.
(E) Camper shells.
(F) Construction equipment, such as **the following:**
(i) Mobile cranes.
(ii) Bulldozers. ~~and~~
(iii) Concrete mixers.
(G) Farming equipment, such as **the following:**
(i) Tractors.
(ii) Plows. ~~and~~
(iii) Pesticide sprayers.
(H) Miscellaneous equipment, such as **the following:**
(i) Street cleaners.
(ii) Golf carts.
(iii) Ground support vehicles.
(iv) Tow motors. ~~and~~
(v) Fork lifts.

~~(31)~~ **(26)** "Motor vehicles" means the following:

(A) Automobiles.
(B) Buses.
(C) Trucks.
(D) Vans.
(E) Motor homes.
(F) Recreational vehicles.
(G) Motorcycles.

~~(32)~~ **(27)** "Multicolor coating" means a topcoat ~~which~~ **that** is:

(A) a coating that exhibits more than one (1) color when applied; ~~and which is~~
(B) packaged in a single container; and
(C) applied in a single coat.

~~(33)~~ **(28)** "Multistage topcoat system" means any basecoat/clearcoat topcoat system or any three (3) stage topcoat system:

(A) manufactured as a system; and
(B) used as specified by the manufacturer.

~~(34) "Overall control efficiency" means the efficiency of a control system, calculated as the product of the capture and control device efficiencies, expressed as a percentage.~~

~~(35)~~ **(29)** "Precoat" means any coating ~~which~~ **that** is applied to bare metal primarily to deactivate the metal surface to provide corrosion resistance against a subsequent water-based primer.

~~(36)~~ **(30)** "Pretreatment wash primer" means the first coat applied to bare metal if solvent-based primers will be applied. This coating:

(A) contains a minimum of five-tenths percent (0.5%) acid by weight;
(B) is necessary to provide surface etching; and
(C) is applied directly to bare metal surfaces to provide corrosion resistance.

~~(37)~~ **(31)** "Primer" means any coating applied to a substrate prior to the application of a topcoat for the purpose of providing:

(A) corrosion resistance;
(B) adhesion of subsequent coatings; or
(C) color uniformity.

~~(38)~~ **(32)** "Primer sealer" means any coating applied to a substrate prior to the application of a topcoat to:

(A) provide:
(i) corrosion resistance;
(ii) adhesion of the topcoat; and
(iii) color uniformity; and
(B) promote the ability of an undercoat to resist penetration by the topcoat.

~~(39)~~ **(33)** "Primer surfacer" means any coating applied to a substrate prior to the application of a topcoat to:

(A) provide:
(i) corrosion resistance; and
(ii) adhesion of the topcoat; and
(B) promote a uniform surface by filling in surface imperfections.

~~(40)~~ **(34)** "Reducer" means the solvent added to dilute a coating, usually for the purpose of lowering the viscosity of a coating.

~~(41)~~ **(35)** "Refinishing" means any coating of motor vehicles, **motor vehicle** parts, ~~and~~ **motor vehicle** components, or mobile equipment, including partial body collision repairs, for the purpose of protection or beautification and ~~which~~ **that** is subsequent to the original coating applied at an original equipment manufacturing (OEM) plant coating assembly line.

~~(42)~~ **(36)** "Refinishing job" means for each motor vehicle or piece of mobile equipment any or all of the following:
(A) Surface preparation.
(B) Primer application.
(C) Primer surfacer application.
(D) Primer sealer application.
(E) Topcoat application.

~~(43)~~ **(37)** "Repair coating" means a coating that is used in the repair of:
(A) a motor vehicle;
(B) a motor vehicle part;
(C) a motor vehicle component; or
(D) mobile equipment.

~~(44)~~ **(38)** "Reused on site" means the reuse of a:
(A) coating;
(B) surface preparation product; or
(C) solvent;
in the refinishing facility.

(39) "Solvent" means a liquid containing VOCs that is used for:
(A) dissolving or dispersing constituents in a coating;
(B) adjusting the viscosity of a coating; or
(C) cleaning application stations, equipment, or containers.

~~(45)~~ **(40)** "Specialty coatings" means coatings ~~which~~ **that** are necessary due to unusual and uncommon job performance requirements, including, but not limited to, the following:
(A) Weld-through primers.
(B) Adhesion promoters.
(C) Uniform finish blenders.
(D) Elastomeric materials.
(E) Gloss flatteners.
(F) Bright metal trim repair.
(G) Anti-glare/safety coatings.
(H) Multicolor coatings.

~~(46) "Solvent" means a liquid containing volatile organic compounds that is used for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, or cleaning application stations, equipment, or containers.~~

~~(47)~~ **(41)** "Spot repairs" means repairs to motor vehicles in which the damaged area to be repaired is limited to only a portion of any given panel so that an entire panel need not be repaired.

~~(48)~~ **(42)** "Substrate" means the surface onto which coatings or surface preparation products are applied.

~~(49)~~ **(43)** "Surface preparation products" means products with VOC content greater than zero (0) used to remove:
(A) wax;
(B) tar;
(C) grease; and
(D) other undesirable contaminants;
from the surface to be refinished.

~~(50)~~ **(44)** "Three (3) or four (4) stage topcoat system" means a topcoat system composed of a pigmented basecoat portion, a semitransparent midcoat portion, and a transparent clearcoat portion. The VOC content of a three (3) stage coating system shall be calculated according to the following formula:

$$VOC_{T3\text{-}stage} = \frac{VOC_{bc} + VOC_{mc} + 2VOC_{cc}}{4}$$

Where: $VOC_{T3\text{-}stage}$ = VOC content as applied of the three (3) stage coating system.
VOC_{bc} = VOC content as applied of any given basecoat.
VOC_{mc} = VOC content as applied of any given midcoat.
VOC_{cc} = VOC content as applied of any given clearcoat.

The VOC content of a four (4) stage system shall be calculated using the same formula specified for the three (3) stage coating system except that there would be an additional coating in the numerator, and the denominator would be five (5).

~~(51)~~ **(45)** "Topcoat" means the final film or series of films of coating applied to a substrate for the purpose of protection or appearance.

~~(52)~~ **(46)** "Touch-up coating" means a coating applied by brush or hand-held, nonrefillable aerosol cans to repair minor surface damage and imperfections.

~~(53)~~ **(47)** "Uniform finish blenders" means coatings that are utilized to ensure that the coatings applied during the refinishing of a vehicle imperceptibly blend in with the undamaged finish of repaired and undamaged portions of the:

(A) motor vehicle;
(B) motor vehicle parts;
(C) motor vehicle components; or
(D) mobile equipment.

~~(54)~~ **(48)** "VOC content" of coating or surface preparation products means the weight of VOC, less water, and less exempt ~~solvent,~~ **compounds,** per unit volume, of coating or surface preparation product.

~~(55)~~ **(49)** "VOC content as applied" of coatings or surface preparation products means the VOC content of the coating or surface preparation product, as applied to the substrate.

~~(56)~~ **(50)** "VOC content as supplied" means the VOC content of coating or surface preparation products, sold and delivered by the manufacturer to the user.

~~(57)~~ **(51)** "Weld-through primer" means primers that have the characteristics of withstanding high temperatures associated with welding without catching fire.

(Air Pollution Control Board; 326 IAC 8-10-2; filed Oct 3, 1995, 3:00 p.m.: 19 IR 194; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674)

SECTION 3. 326 IAC 8-10-3 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-3 Requirements

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 3. (a) ~~On and after November 1, 1995,~~ Each manufacturer or distributor of coatings or surface preparation products manufactured or distributed for use ~~in Clark, Floyd, Lake, or Porter County~~ shall comply with the following:

(1) ~~Except as provided in section 4(a)(2) of this rule,~~ The ~~volatile organic compound~~ VOC content limits listed in section ~~4(b)~~ **4(a)** of this rule.

(2) The compliance procedures outlined in section 6(a) of this rule.

(b) ~~On and after February 1, 1996,~~ Any person commercially providing refinishing coatings or surface preparation products for use ~~in Clark, Floyd, Lake, or Porter County which~~ **that** were manufactured after ~~November 1, 1995,~~ **January 11, 1999,** shall comply with the following:

(1) ~~Except as provided in section 4(a)(2) of this rule,~~ The VOC content limits listed in section ~~4(b)~~ **4(a)** of this rule.

(2) The compliance procedures outlined in section 6(b) of this rule.

(c) ~~On and after May 1, 1996,~~ Any person applying any coating or surface preparation product ~~in Clark, Floyd, Lake, or Porter County~~ shall comply with the following:

(1) The provisions of section ~~4(a)~~ **4** of this rule.

(2) The work practice standards of section 5 of this rule.

(3) The compliance procedures outlined in section 6(c) of this rule.

(4) The test procedures in section 7 of this rule.

~~(5) The control system operation, maintenance, and monitoring provisions in section 8 of this rule.~~

~~(6)~~ **(5)** The record keeping and reporting provisions in section 9 of this rule.

(d) ~~On and after May 1, 1996,~~ No person shall solicit or require any refinishing facility **subject to this rule** to use a refinishing coating or surface preparation product that does not comply with the VOC content limits listed in section ~~4(b)~~ **4(a)** of this rule. ~~unless that facility complies with section 4(a)(2) or 4(a)(3) of this rule.~~

~~(e) On and after May 1, 1999, any person applying any coating or surface preparation product in Vanderburgh County shall comply with the following:~~

~~(1) The following requirements:~~

~~(A) Section 5(b) of this rule.~~

~~(B) Section 5(c)(5) through 5(c)(7) of this rule.~~

~~(C) Section 5(d)(1)(C) and 5(d)(1)(E) of this rule.~~

~~(D) Section 5(d)(2) through 5(d)(4) of this rule. The requirement to provide refresher training under section 5(d)(2) of this rule shall begin no later than July 1, 1999.~~

~~(2) On or before May 1, 1999, the owner or operator of a refinishing facility that is subject to this rule and is located in Vanderburgh County shall submit to the agency a statement signed by a responsible official of the facility, certifying that the facility will continuously comply with all the applicable requirements of this rule. The statement is a record to be kept in accordance with section 9(d) of this rule.~~

~~(3) The record keeping and reporting provisions in the following:~~

~~(A) Section 9(c)(1) of this rule.~~

~~(B) Section 9(c)(3) of this rule.~~

~~(C) Section 9(d) through 9(e) of this rule.~~

(Air Pollution Control Board; 326 IAC 8-10-3; filed Oct 3, 1995, 3:00 p.m.: 19 IR 197; filed Apr 23, 1999, 2:12 p.m.: 22 IR 2856)

SECTION 4. 326 IAC 8-10-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-4 Means to limit volatile organic compound emissions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 4. (a) ~~On and after May 1, 1996,~~ The owner or operator of a refinishing facility subject to this rule shall limit emissions of ~~volatile organic compounds~~ VOCs from refinishing operations by ~~one (1) of the following means:~~

~~(1) By~~ using coatings or surface preparation products ~~that meet~~ **with VOC limits based on the VOC content as applied.** The VOC content **shall not exceed the following** limits: ~~established in subsection (b).~~

~~(2) By employing a control system meeting the requirements of subsection (c).~~

~~(3) By using a combination of coatings as specified in subsection (b) and control system measures identified in subsection (c).~~

~~(b) Compliance with the VOC limits shall be based on the VOC content on an as-applied basis. The VOC content shall not exceed the following limits:~~

Coating Category	VOC Limit	
	grams liter	lbs gallon
Pretreatment wash primer	780	6.5
Precoat	660	5.5
Primer/primer surfacer	576	4.8
Primer sealer	552	4.6

Topcoat		
Single and two stage	600	5.0
Three and four stage	624	5.2
Multi-colored topcoat	**680**	**5.7**
Specialty	840	7.0
For surface preparation products:		
Type of Substrate	VOC Limit	
	grams liter	lbs gallon
Plastic	780	6.5
Other	168	1.4

~~(c) A control system used to comply with the VOC emission requirements of this rule shall achieve an overall control efficiency of at least eighty-one percent (81%). An owner or operator complying with the VOC emission reduction requirements of this rule by means of a control system shall do the following:~~

~~(1) On or before May 1, 1996, demonstrate initial compliance with the emission limit by performing an emission test that demonstrates compliance according to procedures in section 7 of this rule.~~

~~(2) On or before July 31, 1996, submit to the department the results of the initial compliance test according to procedures in section 7 of this rule.~~

~~(3) Depending on the type of control device installed, choose an appropriate operating parameter according to procedures in section 8(b) of this rule.~~

~~(4) Calculate the site-specific operating parameter value, as an arithmetic average of the minimum or maximum values of the operating parameter as appropriate, that demonstrates initial compliance with the emission limit.~~

~~(5) On and after May 1, 1996, demonstrate continuous compliance with the emission limits in this section by ensuring that during the refinishing operation, the value of the operating parameter, as determined during the initial compliance test or subsequent compliance test, is within the range specified in the applicable subdivision of section 9(b) of this rule.~~

~~(d)~~ **(b)** Application of all specialty coatings except anti-glare/safety coatings shall not exceed five percent (5%) by volume of all coatings applied on a monthly basis.

(Air Pollution Control Board; 326 IAC 8-10-4; filed Oct 3, 1995, 3:00 p.m.: 19 IR 197)

SECTION 5. 326 IAC 8-10-5 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-5 Work practice standards

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 5. (a) ~~On and after May 1, 1996,~~ The owner or operator of a refinishing facility subject to this rule shall ensure that spray guns are cleaned in an enclosed device that:

(1) is closed during:

(A) spray gun equipment cleaning operations except when depositing and removing objects to be cleaned; **and**

~~(2) is closed during~~ **(B)** noncleaning operations with the exception of the maintenance and repair of the cleaning device itself; and

~~(3)~~ **(2)** recirculates cleaning solvent during the cleaning operation so that the solvent is available for reuse on site or for disposal off site.

The cleaning device shall be operated and maintained according to the manufacturer's recommendations. The owner or operator of the refinishing facility **subject to this rule** shall have the cleaning device manufacturer's recommendations available for inspection upon request by the department or the U.S. EPA.

(b) ~~On and after May 1, 1996,~~ The owner or operator of a refinishing facility subject to this rule shall use one (1) or a combination of the following equipment for coating application:

(1) Electrostatic equipment.

(2) High-volume, low-pressure (HVLP) spray equipment.

(3) Any other coating application equipment that has been demonstrated, by the owner or operator, to the satisfaction of the department to be capable of achieving at least sixty-five percent (65%) transfer efficiency. The owner or operator must submit sufficient data for the department to be able to determine the accuracy of the transfer efficiency claims.

Coating application equipment shall be operated and maintained according to the manufacturer's recommendations. The owner or operator shall have the manufacturer's recommendations available for inspection upon request by the department or the U.S. EPA.

(c) ~~On and after May 1, 1996,~~ The owner or operator of a refinishing facility subject to this rule shall implement housekeeping practices, which include the following:

(1) All:

(A) paper; ~~or~~

(B) cloth;

(C) plastic; or

(D) other materials;

used for activities such as surface preparation and surface cleanup **that have been contaminated with coatings or solvent** shall be stored in closed containers until disposed of off site. The containers shall remain closed unless being filled or emptied.

(2) ~~All fresh or used solvent shall be stored~~ **Except when actively or directly applying, store** in closed containers, **all fresh or used refinishing materials, including, but not limited to, the following:**

(A) Solvents.

(B) Coatings.

(C) VOC-containing additives and materials.

(D) VOC-containing waste materials.

(3) Storage containers and equipment shall be free from:

(A) cracks;

(B) holes; and

(C) leaks.

(4) Waste coatings ~~spray booth filters,~~ and used automotive fluids shall be stored in closed containers.

(5) Equipment cleanup shall be performed with methods that minimize the use of solvents. Reasonable efforts shall be made to reclaim the bulk of used solvents. No cleaning shall be performed by direct spraying of solvents into the atmosphere.

(6) Effort shall be made to schedule operations of a similar nature to significantly reduce total ~~volatile organic compound~~ **VOC** material consumption.

(7) Coatings or surface preparation products shall be applied in a manner that minimizes overspray.

(d) The owner or operator of a refinishing facility **subject to this rule** shall comply with the training requirements of this rule as follows:

(1) ~~On or before May 1, 1996,~~ Develop a written training program. The training program may include training provided by the manufacturer or supplier and shall include written procedures and hands-on demonstration, as appropriate, on the following topics:

(A) Identification of appropriate coatings or surface preparation products.

(B) Preparation of coatings or surface preparation products according to coating manufacturer, distributor, or owner or operator's recommendations.

(C) Application of coatings or surface preparation products or organic solvents using techniques that minimize their usage.

(D) Operation and maintenance of spray gun cleaning equipment to minimize evaporation of organic solvents to the atmosphere.

(E) Work practice standards established in subsection (c).

(F) Procedures to:

(i) gather;

(ii) record;

(iii) monitor; and

(iv) report;

data in accordance with section 9 of this rule.

(2) ~~Beginning in 1997,~~ Provide annual refresher training prior to May 1 **of each year** to any employee performing one (1) or more of the activities listed in subdivision (1). ~~Such~~ **The** training shall be appropriate to the job responsibilities of the employee.

(3) Any person may perform one (1) or more activities addressed in subdivision (1), for not more than one

hundred eighty (180) days, notwithstanding the requirement of subdivision (2), provided each of the following:

(A) ~~Such~~ **The** untrained person works under the supervision of a person who meets the training requirements of subdivision (2).

(B) The owner or operator keeps the following records:

(i) The date the person was assigned to the activity.

(ii) The date training was completed.

(iii) The name of the person providing the supervision.

(4) The owner or operator of the refinishing operation **subject to this rule** shall keep records of the training program. The records shall consist of the following:

(A) The date training was completed.

(B) A list of persons, by name and activity and the topics in which they have been trained.

(C) A statement signed by the trainer certifying each trainee who satisfactorily has completed training in the topics and is proficient in the procedures specified in subdivision (1).

(Air Pollution Control Board; 326 IAC 8-10-5; filed Oct 3, 1995, 3:00 p.m.: 19 IR 198; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; filed Jul 14, 1998, 5:04 p.m.: 21 IR 4518; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568)

SECTION 6. 326 IAC 8-10-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-6 Compliance procedures

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 6. (a) ~~On and after November 1, 1995,~~ Each manufacturer of coatings or surface preparation products who supplies coatings or surface preparation products to a distributor, retailer, or owner or operator of a refinishing facility ~~in Clark, Floyd, Lake, or Porter County~~ **subject to this rule** shall, for each coating or surface preparation product supplied, keep records of and provide the owner or operator of a refinishing facility with a written record or document containing the following coating or surface preparation product information:

(1) Product description.

(2) Date of manufacture, date code, or batch number.

(3) Thinning instructions.

(4) The ~~volatile organic compound~~ VOC content in grams per liter and pounds per gallon, as packaged or as supplied:

(A) for single coat products, the VOC as applied after any thinning recommended by the manufacturer; or

(B) for multistage systems in which the VOC as applied is dependent upon the VOC content of a combination of products with varying VOC levels, provide: ~~one (1) of the following:~~

(i) a list of the maximum allowable packaged VOC for the individual layers;

(ii) a comprehensive chart of color combinations and the as-applied VOC content; **or**

(iii) a simple to use formula or grid for the end user to calculate the as-applied VOC content of their multistage system.

(5) A statement that:

(A) the coating is, or is not, in compliance with the VOC limits in section ~~4(b)~~ **4(a)** of this rule; and ~~that,~~

(B) if the coating is not in compliance, this rule prohibits its application at an automobile refinishing facility that does not control VOC emissions with the application of a control system.

(6) The:

(A) name;

(B) address;

(C) telephone number; and

(D) signature;

of the person purchasing the product.

(b) ~~On and after February 1, 1996,~~ Any person who is engaged in commercially providing ~~coating~~ **coatings** or surface preparation products ~~in Lake, Porter, Clark, or Floyd County~~ shall provide to the recipient and shall keep the following records of all coatings or surface preparation products supplied. ~~in those counties.~~ The records shall include the following:

(1) The product description.

(2) The amount supplied.

(3) The date supplied, date code, or batch number.

(4) The ~~volatile organic compound~~ VOC content in grams per liter and pounds per gallon, as packaged or as supplied:
(A) for single coat products, the VOC as applied after any thinning recommended by the manufacturer; or
(B) for multistage systems in which the VOC as applied is dependent upon the VOC content of a combination of products with varying VOC levels, provide: ~~one (1) of the following:~~
(i) a list of the maximum allowable packaged VOC for the individual layers;
(ii) a comprehensive chart of color combinations and their as-applied VOC content; **or**
(iii) a simple to use formula or grid for the end user to calculate the as-applied VOC content of their multistage system.
(5) The:
(A) name;
(B) address;
(C) telephone number; and
(D) signature;
of the person purchasing the product.

(c) ~~On or before May 1, 1996,~~ The owner or operator of a refinishing facility subject to this rule shall submit to the department a statement signed by a responsible official of the facility certifying that the facility has acquired and will continuously employ ~~coating~~ **coatings** or surface preparation products meeting the VOC limits of section ~~4(b)~~ **4(a)** of this rule. ~~or that an add-on control system meeting the requirements of section 4(c) of this rule has been installed, including a description of the control system.~~

(Air Pollution Control Board; 326 IAC 8-10-6; filed Oct 3, 1995, 3:00 p.m.: 19 IR 199; filed Jul 14, 1998, 5:04 p.m.: 21 IR 4519; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568)

SECTION 7. 326 IAC 8-10-7 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-7 Test procedures

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 7. (a) Owners or operators of refinishing facilities subject to this rule shall be subject to the applicable test ~~method~~ **methods** and requirements of 326 IAC 8-1-4 and 40 CFR 60, Appendix A*.

(b) Owners or operators may use data provided with coatings or surface preparation products formulation information such as the:
(1) container label; ~~the~~
(2) product data sheet; and ~~the~~
(3) MSDS sheet;
in order to comply with sections 4 and 9(a) of this rule. The department and U.S. EPA may require VOC content determination and verification of any coating or surface preparation product using 40 CFR 60, Appendix A, Method 24*. In the event of any inconsistency between 40 CFR 60, Appendix A, Method 24 and formulation data, 40 CFR 60, Appendix A, Method 24 shall govern.

~~(c) An owner or operator of a refinishing facility electing to meet the emission limit requirements of section 4(c) of this rule using a control device or devices shall test the control system according to the following schedule and under the following situations:~~
~~(1) An initial compliance test shall be conducted on or before May 1, 1996, and every two (2) years after the date of the initial compliance test.~~
~~(2) A compliance test shall be conducted whenever the owner or operator operates the control system under conditions different from those which were in place at the time of the previous compliance test.~~
~~(3) A compliance test shall be performed within ninety (90) days of the startup of a new facility or within thirty (30) days of a written request by the department or the U.S. EPA.~~
~~(4) All compliance tests shall be conducted according to a protocol developed by the owner or operator of the facility according to procedures in 326 IAC 3-2.1-2. The results of the tests shall be submitted to the department according to procedures in 326 IAC 3-2.1-4.~~

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; 326 IAC 8-10-7; filed Oct 3, 1995, 3:00 p.m.: 19 IR 199; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1568; filed Aug 26, 2004, 11:30 a.m.: 28 IR 58)

SECTION 8. 326 IAC 8-10-9 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-10-9 Record keeping and reporting

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 9. (a) Owners or operators of refinishing facilities subject to the provisions of section ~~4(b)~~ **4(a)** of this rule shall keep records of the following:

(1) For each batch of coating mixed or refinishing job performed, the following information:
(A) Batch or job identification number or name.
(B) Date batch made or job performed.
(C) Coating category, consistent with the coating categories in section ~~4(b)~~ **4(a)** of this rule.
(D) Coating manufacturer's name and identification number.
(E) Either the quantity used in making the mix or the mix ratio used.
(F) VOC content as supplied or packaged.
(G) Manufacturer's name and identification number of added components, such as **the following:**
(i) Catalysts.
(ii) Reducers. ~~and~~
(iii) Hardeners.
(H) Either the quantity of components added or the mix ratio used.

(2) For each surface preparation product used, the following information:
(A) Manufacturer's name and identification number.
(B) Substrate to which the product is applied.
(C) VOC content as supplied per calendar month for:
(i) number of containers used; and
(ii) volume of each container in suitable units, such as quarts, gallons, pints, other similar units, and the ratio of components added.

(3) ~~Owners or operators shall maintain~~ Documents such as MSDS, or product or other data sheets for a period of three (3) years following use of the product. MSDS or product or other data sheets may be used by the U.S. EPA or the department to verify the VOC content, as supplied, provided by the coating manufacturer, distributor, or supplier, of the coatings or surface preparation products.

~~(4) Except when complying with section 4(a)(2) or 4(a)(3) of this rule, owners or operators shall report within thirty (30) days to the department any incidence in which noncompliant coating was used, the reasons for use of the noncompliant coating, and corrective actions taken.~~

~~(b) Owners or operators choosing to meet the emission limit requirements of section 4 of this rule with the use of a control device or devices shall maintain the following records:~~

~~(1) A log of the operating time of the facility and the facility's capture system, control device, and monitoring equipment.~~

~~(2) A maintenance log for the control system and the monitoring equipment detailing all routine and nonroutine maintenance performed. The log shall include the dates and duration of any outages of the capture system, the control device, or the monitoring system.~~

~~(3) The following additional records shall be maintained for facilities using thermal incinerators:~~
~~(A) Continuous records of the temperature in the gas stream in the combustion zone of the incinerator.~~
~~(B) Records of all three (3) hour periods of operation for which the average combustion temperature of the gas stream in the combustion zone was more than fifty (50) degrees Fahrenheit below the combustion zone temperature which existed during the most recent compliance test that demonstrated that the facility was in compliance.~~

~~(4) The following additional records shall be maintained for facilities using catalytic incinerators:~~
~~(A) Continuous records of the temperature of the gas stream both upstream and downstream of the catalyst~~

~~bed of the incinerator.~~
~~(B) Records of all three (3) hour periods of operation for which the average temperature measured at the process vent stream immediately before the catalyst bed is more than fifty (50) degrees Fahrenheit below the average temperature of the process vent stream which existed during the most recent compliance test that demonstrated that the facility was in compliance.~~
~~(C) Records of all three (3) hour periods of operation for which the average temperature difference across the catalyst bed is less than eighty percent (80%) of the temperature difference measured during the most recent compliance test that demonstrated that the facility was in compliance.~~
~~(5) The following additional records shall be maintained for facilities using carbon adsorbers:~~
~~(A) Continuous records of the VOC concentration level or reading in the exhaust stream of the carbon adsorber.~~
~~(B) Records of all three (3) hour periods of operation during which the average VOC concentration level or reading in the exhaust gas is more than twenty percent (20%) greater than the average exhaust gas concentration level or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of the carbon adsorber that demonstrated that the facility was in compliance.~~
~~(6) Facilities using VOC recovery devices other than carbon adsorbers shall maintain the monitoring records and meet the reporting requirements specified by section 8(b)(4) of this rule.~~
~~(7) Information requirements in subdivisions (2), (3)(B), (4)(B), (4)(C), and (5)(B) shall be submitted to the department within thirty (30) days of occurrence. The following information shall accompany the submittal:~~
~~(A) The name and location of the facility.~~
~~(B) Identification of the control system where the excess emission occurred and the facility it served.~~
~~(C) The time, date, and duration of the exceedance.~~
~~(D) Corrective action taken.~~

~~(c)~~ **(b)** Owners or operators of refinishing facilities ~~affected by~~ **subject to** this rule shall maintain the following records:
(1) Records of training programs as required in section 5(d) of this rule.
(2) Initial compliance statements as required in section 6(c) of this rule.
(3) Records as required in this section.

~~(d)~~ **(c)** Owners or operators of refinishing facilities ~~affected by~~ **subject to** this rule shall:
(1) maintain all records for a minimum of three (3) years; and ~~shall~~
(2) make records available to the department and the U.S. EPA upon request.

~~(e)~~ **(d)** Failure to maintain records required by subsections (a) ~~through (c)~~ **and (b)** shall constitute a violation of this rule for each day records are not maintained.

(e) Owners or operators of refinishing facilities subject to this rule shall report within thirty (30) days to the department the following:
(1) Any incidence in which noncompliant coating was used.
(2) The reasons for use of the noncompliant coating.
(3) Corrective actions taken.

(Air Pollution Control Board; 326 IAC 8-10-9; filed Oct 3, 1995, 3:00 p.m.: 19 IR 200; errata filed Dec 11, 1995, 3:00 p.m.: 19 IR 674; filed Jul 14, 1998, 5:04 p.m.: 21 IR 4520)

SECTION 9. 326 IAC 8-10-8 IS REPEALED.

Notice of Public Hearing

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